

## **EDUCATION FUND FOR STATE WARDS PROGRAM GUIDEBOOK**

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# EDUCATION FUND FOR STATE WARDS PROGRAM

## SECTION I

### POLICY

The Department will pay the authorized costs associated with the education of wards of any court or department of the State of Nebraska under specific circumstances.

## SECTION II

### PROGRAM DESCRIPTION

The Department makes payments for education costs and transportation costs related to education to public school districts and other educational programs based on a child's eligibility. School districts and other educational programs submit bills several times a year to the Finance and Accounting Division of the Department. Staff in Finance and Accounting need assistance from workers who have direct knowledge about the wards in determining the appropriateness of payment based on several criteria. The worker assigned to case will receive and complete a form to verify information about the child so the staff in Finance and Accounting and a program specialist in Human Services can determine if the child is eligible for the program.

## SECTION III

### ELIGIBILITY CRITERIA

Children and youth who are ages 5 through 18 who are on probation or parole through a Nebraska court, or are wards of any Nebraska court or Department such as Correctional Services, Public Institutions or Social Services may be eligible for this program.

PS workers and probation, parole and court staff don't determine a child's eligibility for this program. They do assist staff from Finance and Accounting and Human Services in determining eligibility. If protective service staff are asked about the child's eligibility by staff from a public school district or other education program, the worker will refer the school staff to the program specialist in Human Services responsible for this program. Protective service staff will not sign a contract for payment of education cost or make a verbal agreement for such payment.

The eligibility criteria is listed below for your information.

#### Criteria

Children and youth between the ages of 5 and 18 who are wards of any court or department of the State of Nebraska are eligible for state ward education funds in the following settings:

SETTING:	ELIGIBLE IF:	PAYMENT FOR:
Public School	<p>A. Ward resides in an out-of-home placement which is not a foster family home such as a Center for Developmentally Disabled, group home, drug or alcohol treatment center or independent living arrangement,</p> <p>AND</p> <p>B. The ward's placement is not in the school district where:</p> <ol style="list-style-type: none"><li>1. The ward resided at the time of wardship; and</li><li>2. The ward's parent(s) resided during the period billed.</li></ol>	<p>Regular or special education based on formula; related transportation. (See 390 NAC 10.004 &amp; Section V this Guidebook.)</p>
	<p>Note: Wards in foster family homes are not eligible for State Ward Education Funds.</p>	
Residential Treatment Program with a School	<p>A. The facility is eligible as an institution as defined in Section IV,</p> <p>AND</p> <p>B. The agency responsible for the child's residential program makes the placement (not a school district decision),</p> <p>AND,</p>	<p>Special Education based on Approved rate from NDE. (See 390 NAC 10.004.)</p>

- C. The ward is verified for and receives special education services in this school.

Note: The decision about what education program the child receives and where it is provided is made by the school district where the facility is located.

Inpatient  
Psychiatric  
Hospital Setting

- A. The hospital meets the definition of institution found in Section IV,  
AND,
- B. The ward enters the hospital for a psychiatric evaluation,  
AND,
- C. The agency responsible for the child's residential program makes the placement, (not a school district decision),  
AND,
- D. The primary purpose of the hospitalization remains evaluation. If the purpose becomes treatment, refer to 390 NAC 10.004.

Education costs as determined in 390 NAC 10.004.

County Detention

- A. The center is eligible as defined in Section IV. based on a formula.  
(See Section V this Guidebook)

Costs of Education Center

## SECTION IV

### DEFINITIONS

#### Definition of Institution

An institution is a public or private facility, not owned or operated by the public school district, that operates a residential and special education program with an approved special education rate established by the Nebraska Department of Education.

This definition of institution includes school programs with an approved rate run by psychiatric hospitals and group homes and child care agencies. It does not include parochial schools or youth development centers.

Statutory Reference: Neb. Rev. Stat. 79-445.

#### Definition of County

#### Detention Centers

To be eligible for payment, county detention homes or centers must meet the following criteria:

1. Be selected by the county board with jurisdiction over a detention home;
2. Have agreed or contracted with the county board to provide educational services; and
3. Have been approved by the State Department of Education.

Statutory Reference: Neb. Rev. Stat. 43-2,110.

## SECTION V

### FORMULA FOR REGULAR EDUCATION

If a child does not have verified disabilities and does not require a special educational program, payment will be authorized for costs based on the following formula:

Average Cost Per Pupil, Average Daily Membership, for either elementary or secondary pupil depending on child's grade level, divided by the number of scheduled school days for the entire year which will render the daily rate charged per child. This rate is then multiplied by the number of days the child was enrolled in the program. This total will be the amount billed for regular education expenses. See attached Sample NDE Form 03-036 to determine Annual Cost per Pupil, Average Daily Membership.

If a student receives special education services and regular education the school or program will bill for the percentage of time the youth is in each program.

## SECTION VI

### IDENTIFYING ELIGIBLE YOUTH AND MAKING PAYMENT

The specifics regarding what services are paid for through the various types of programs are described in the Educational Funds for Wards Program. 390 NAC 10.004.

This section describes the steps for identifying eligible youth and making the payment. The outcomes for this process are:

- accurate timely verification of a ward's eligibility for the program; and
- timely payment to the providers of service.

#### 1. Department Receives Bill

Public school districts or other educational programs submit their bills for education costs for wards to the Finance and Accounting Division of the Department.

Staff in the Finance and Accounting Division attach the bill to the "State Ward's Educational Program Verification Statement" (Form SWE-2) and send it to the worker for the ward for verification.

#### 2. Verification by Worker

The worker has a key role in determining eligibility for this program. The worker's answers to specific questions on the verification form (SWE-2) are the basis of determining eligibility. Finance and Accounting staff and the program specialist rely on the accuracy of the information supplied by the worker in this determination of eligibility.

The key issues the worker will be asked to verify for the entire billing period are:

- Was the child a ward of any court or department of the State of Nebraska?;
- Was the child age 5 - 18?;
- Did the child attend the school or program on dates indicated by program?;
- The child didn't live in a foster family home or with parent;
- In which school district did the child live at time of wardship?;
- What is the school district of the parents' residence?;
- Did the child receive the services as indicated by school or program?;
- Was the child verified for special education, if special education costs are billed (See Section IX this Guidebook.)?

It is very important that the worker accurately answer the questions on the verification form (SWE-2). A two week period to return the form (SWE-2) from the worker to Finance is requested to ensure prompt payment to the provider.

The type of living arrangement the ward was in for the billing period is very important. The Department does not pay for educational costs when a ward lives in a foster family home but does for other living arrangements such as group homes. If the worker is not sure of the child's type of living arrangement, he/she should check with the local resource development worker. The information on the Child Welfare Tracking System (Job-140) should be accurate. Many times the staff in Finance check that system before they call a worker with a question.

**Billing Date:** The school programs submit bills at three specific times of the year corresponding with the previous school term. In order to manage the workload for workers and Finance staff, bills will be grouped together and sent to workers the first week of the following months:

February, March, July, August and October.

3. Determination of Eligibility

Staff in Finance will review the verification form completed by the worker. If the staff have any questions she/he will check the Child Welfare Tracking System first. If unable to determine the answer, the staff will contact the worker. If the staff is still unable to determine eligibility, she/he will consult with the program specialist in Human Services responsible for this program. They will determine eligibility together.

4. Payment of Bills

The Department will promptly pay all billings for eligible children received by the deadline of September 30 for payment of the immediately preceding school year.

If the child does not meet the criteria for reimbursement, the Department will notify the billing agency of the decision on the payment statement or with a written notice. The program may appeal the decision of the Department within 30 days after the date of the denial notice by submitting a written request to the Department.

## SECTION VII

### INSUFFICIENT FUNDS

If sufficient funds are not available for full payment of the amount due under these regulations and procedures, the payments to school districts or other programs for verified disabled students will be paid in full and all other payments will be proportionately reduced at the same rate for all programs.

## SECTION VIII

### NO CONTRACTS

The Department will not negotiate contracts with school districts or educational programs.

## SECTION IX

### A WORD ABOUT SPECIAL EDUCATION VERIFICATION

The State Ward Educational Program Verification Statement (see page 10 this Guidebook) asks if the ward has been verified for special education and if the child received special services. It is important that these two questions be answered accurately. The following is general information to assist workers in answering these questions.

#### Educational Planning

Educational planning and determination of the appropriate education program, including contracting, are the responsibility of the public school districts. When parental rights are intact, the parent should be involved in educational planning to the fullest extent. If the parent is unable to be involved due to absence, incapacity, inability or lack of parental rights, a surrogate parent will be appointed by the public school district.

#### Verification Process

The complete description of the verification for special education services is found in the Department of Education's Rule 51. The basic steps are described below to assist workers in determining if a child is verified for special education.

The steps for verification for special education are as follows:

1. The school, family or surrogate parent suspects the child has a learning problem and requests an evaluation from the school district.
2. An assessment is done by a multi-disciplinary team.
3. The assessment results are shared with the family and Department.
4. The team determines if the child is eligible for special education.
5. The team determines what specific services are needed based on the child's strengths and needs. The Individual Education Plan (IEP) is developed. The team determines the level of services and educational placement for the child.

#### Payment Related Issues

School districts may provide special education services for up to 30 days while assessing the student's needs if the parent or surrogate parent does not object. The Department will pay the appropriate special education costs for eligible wards in this situation. The worker should answer "Yes" to the question about verification for special education.

A child verified for or receiving short-term special education may be in a resource room or special education class part of the day. The school district will indicate the percentage of time the child is in special and regular education. A question on the form asks the worker if percentages are accurate based on his/her knowledge through participation in the IEP process. The school district may bill for services such as speech and language or physical or occupational therapy. There is a question on the form regarding whether the services billed correspond to the child's IEP.

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